

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ASPEN SPECIALTY INSURANCE COMPANY and
LANDMARK AMERICAN INSURANCE COMPANY,

13 Civ. 3367 (PAC)

Plaintiffs,

-against-

4 NYP VENTURES LLC,

Defendant.

**NOTICE OF MOTION
FOR PARTIAL SUMMARY JUDGMENT
THAT THE APPLICABLE FLOOD DEDUCTIBLE IS \$19.2 MILLION**

PLEASE TAKE NOTICE that, upon the accompanying papers, and all prior pleadings and proceedings in this matter, Plaintiffs, Aspen Specialty Insurance Company (“Aspen”) and Landmark American Insurance Company (“Landmark”), by and through their attorneys, Mound Cotton Wollan & Greengrass LLP, hereby move this Court, before the Honorable Paul A. Crotty, United States Courthouse for the Southern District of New York, Room 14-C, 500 Pearl Street, New York, New York 10007, for partial summary judgment pursuant to Fed. R. Civ. P. 56 for a declaratory judgment that, as a matter of law and policy interpretation, the “Flood” deductible to be applied to the flood loss incurred by Defendant 4 NYP Ventures LLC (“4 NYP”) is \$19.2 million, in accordance with the terms and conditions of the applicable coverage provided by Plaintiffs as well as an order dismissing 4 NYP’s First and Fourth Affirmative Defenses.

Dated: New York, New York
June 19, 2015

MOUND COTTON WOLLAN & GREENGRASS, LLP

By: /s/
Jeffrey S. Weinstein (JSW-2619)
Emilie Bakal-Caplan (ELB-6294)

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